

Edward T. Depp
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September 3, 2009

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PUBLIC SERVICE
COMMISSION

Via Hand Delivery

Hon. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

**Re: *In the Matter of: Complaint of BellSouth Telecommunications v.
Brandenburg Telephone Company, Case No. 2006-00546***

Dear Mr. Derouen:

We have enclosed for filing in the above-styled case the following documents:

1. An original and eleven (11) copies of Brandenburg Telephone Company's redacted response to the hearing data request; and
2. A motion for confidential treatment of the information that was redacted from Brandenburg Telephone Company's response to the hearing data request, along with a highlighted version of the same material identifying the redacted, confidential information.

Please return a file stamped copy of each document to us in the enclosed, self-addressed, stamped envelope.

Thank you, and if you have any questions, please call me.

Sincerely,

Edward T. Depp

Enclosures

cc: All Parties of Record (*Via U.S. Mail and e-mail*)
John E. Selent
Eileen Bodamer

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.)
)
COMPLAINANT)
)
v.) CASE NO. 2006-00546
)
BRANDENBURG TELEPHONE COMPANY)
)
DEFENDANT)

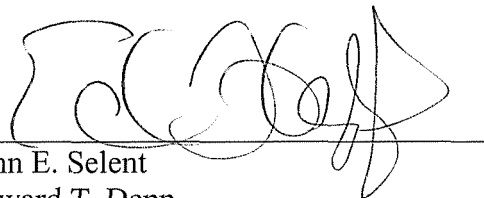
**BRANDENBURG TELEPHONE COMPANY'S RESPONSE TO
HEARING DATA REQUEST**

Brandenburg Telephone Company ("Brandenburg"), by counsel, and pursuant to the data request at the August 26, 2009 hearing by the Public Service Commission of the Commonwealth of Kentucky (the "Commission") in this matter, hereby files its response and states as follows.

DATA REQUEST: Please produce a representative CABS bill for the period of the ACS traffic dispute in this matter.

RESPONSE: Please see the attached documentation, identified as Exhibit 1.

Respectfully submitted,



John E. Selent

Edward T. Depp

Holly C. Wallace

DINSMORE & SHOHL LLP

1400 PNC Plaza

500 West Jefferson St.

Louisville, Kentucky 40202

Tel: (502) 540-2300

Fax: (502) 585-2207

Counsel to Brandenburg Telephone Company

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing was served on the following this ^{8th} day of September, 2009:

Mary K. Keyer
General Counsel/Kentucky
601 W. Chestnut Street
Room 407
Louisville, KY 40203
Counsel for BellSouth Telecommunications, Inc.



Counsel to Brandenburg Telephone Company

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.)
)
COMPLAINANT)
)
v.)
)
BRANDENBURG TELEPHONE COMPANY)
)
DEFENDANT)

PUBLIC SERVICE
COMMISSION

CASE NO. 2006-00546

**PETITION FOR CONFIDENTIAL TREATMENT OF CERTAIN
INFORMATION IN BRANDENBURG TELEPHONE COMPANY'S RESPONSE TO
HEARING DATA REQUEST**

Brandenburg Telephone Company ("Brandenburg Telephone"), by counsel, pursuant to 807 KAR 5:001 §7 and KRS 61.878(1)(c)(1), requests that the Public Service Commission of the Commonwealth of Kentucky ("the Commission") accord confidential treatment to the billing data contained in the documentation attached to Brandenburg Telephone's response to the hearing data request in this case. In support of its petition, Brandenburg Telephone states as follows.

I. Applicable Law.

807 KAR 5:001 §7(2) sets forth a procedure by which certain information filed with the Commission may be treated as confidential. Specifically, the party seeking such confidential treatment of certain information must "[set] forth specific grounds pursuant to KRS 61.870 et seq., the Kentucky Open Records Act, upon which the commission should classify that material as confidential." 807 KAR 5:001 §7(2)(a)(1).

The Kentucky Open Records Act, KRS 61.870 et seq., exempts certain records from the requirement of public inspection. *See* KRS 61.878. In particular, KRS 61.878 provides as follows:

- (1) The following public records are excluded from the application of [the Open Records Act] and shall be subject to inspection only upon order of a court of competent jurisdiction:
 - (c) 1. Upon and after July 15, 1992, records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

Id.

II. The Information Should Be Classified Confidential.

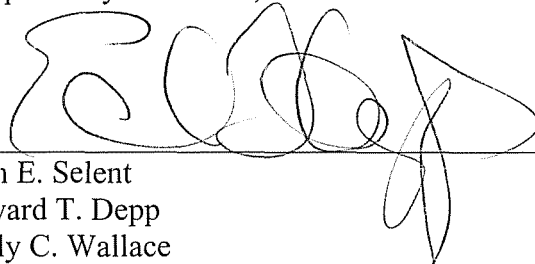
Read in conjunction, 807 KAR 5:001 §7(2)(a)(1) and KRS 61.878(1)(c)(1) provide that the Commission may classify the Information as confidential if the open disclosure of the Information to the general public "would permit an unfair commercial advantage to competitors of the entity that disclosed the records." *See* KRS 61.878(1)(c)(1). For the reasons set forth below, the disclosure of the Information to the general public could "permit an unfair commercial advantage to competitors of [BellSouth]." *Id.* Accordingly, the Information should be classified as confidential.

Exhibit 1 identifies certain monetary amounts due from BellSouth Telecommunications, Inc. ("BellSouth") to Brandenburg Telephone for services Brandenburg Telephone rendered to BellSouth. Although Brandenburg Telephone does not know whether BellSouth considers the information confidential, it believes that the disclosure of the Information to the general public could permit an unfair commercial advantage to BellSouth's competitors. Accordingly, in an

abundance of caution, believing that the information contained in the attached Exhibit 1 may be potentially sensitive to BellSouth, Brandenburg Telephone requests that the Information be treated as confidential. The disclosure of this Information to the public would provide BellSouth's competitors and potential competitors with potentially confidential information regarding BellSouth's financial condition and cost of doing business. Competitors could then potentially exploit that information and gain an unfair competitive advantage. If, however, the Commission classifies the Information as confidential, BellSouth's competitors will not gain unfair access to this potentially sensitive, confidential information related to BellSouth's financial condition and cost of doing business.

807 KAR 5:001 §7(2)(a)(1) and KRS 61.878(1)(c)(1) expressly authorize the Commission to classify the Information as confidential (and thereby restrict public access to the Information) because the disclosure of the Information to the public would permit an unfair competitive advantage to competitors of BellSouth. For the reasons set forth above, the disclosure of the Information could provide BellSouth's competitors with an unfair competitive advantage over BellSouth. Accordingly, the Commission should classify the Information as confidential pursuant to 807 KAR 5:001 §7 and KRS 61.878(1)(c)(1) and, accordingly, prevent the public disclosure of the Information.

Respectfully submitted,



John E. Selent
Edward T. Depp
Holly C. Wallace
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500 West Jefferson Street
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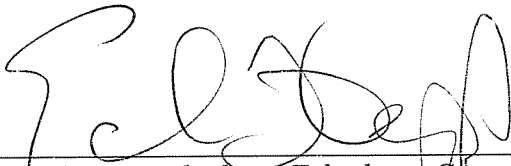
(502) 540-2300 (tel.)
(502) 585-2207 (fax)

Counsel to Brandenburg Telephone Company

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing was served on the following
this 3rd day of September, 2009:

Mary K. Keyer
General Counsel/Kentucky
601 W. Chestnut Street
Room 407
Louisville, KY 40203
Counsel for BellSouth Telecommunications, Inc.



Counsel to Brandenburg Telephone Company